

ARKANSAS SUPREME COURT

No. CR 06-986

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered October 26, 2006

CHAUNCEY HADLEY
Petitioner

PRO SE MOTION FOR BELATED
APPEAL OF JUDGMENT OF
CONVICTION [CIRCUIT COURT OF
PULASKI COUNTY, CR 2004-02, HON.
JOHN LANGSTON, JUDGE]

VS.

STATE OF ARKANSAS
Respondent

MOTION DISMISSED

PER CURIAM

On January 11, 2005, judgment was entered reflecting that petitioner Chauncey Hadley had been found guilty by a jury of rape, two counts of aggravated robbery, and two counts of kidnapping. He was sentenced as a habitual offender to an aggregate term of 80 years' imprisonment. No appeal was taken from the judgment, and petitioner, proceeding *pro se*, now seeks leave to proceed with a belated appeal.

Belated appeals in criminal cases are governed by Rule 2(e) of the Rules of Appellate Procedure--Criminal. The rule provides in pertinent part that "no motion for belated appeal shall be entertained by the Supreme Court unless application has been made to the Supreme Court within eighteen (18) months of the date of entry of judgment..." Petitioner filed the motion for belated appeal here on September 5, 2006. The eighteen-month period to file a motion for belated appeal

in the case elapsed on July 11, 2006.¹

It is incumbent on a petitioner to file a motion for belated appeal in a timely manner inasmuch as an untimely motion for belated appeal is subject to dismissal. *Hayes v. State*, 328 Ark. 95, 940 S.W.2d 886 (1997) (*per curiam*). As petitioner failed to file the motion within the period allowed by Ark. R. App. P.–Crim. 2(a), the motion is dismissed.

Motion dismissed.

¹On May 5, 2005, petitioner filed in the trial court an untimely *pro se* notice of appeal from the January 11, 2005, judgment. In response to the notice of appeal, the circuit clerk tendered a partial record to this court on July 29, 2005. A member of our staff advised petitioner that the record had been received but that our clerk had declined to lodge it because the notice was not timely. As stated, petitioner did not file his motion for belated appeal until approximately thirteen months later.